

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

KIMBERLY S. AFLAGUE,)
Plaintiff,) 8:04CV543
vs.) ORDER
SCOTT FRANSSEN, DO, et al.,)
Defendants.)

This matter is before the Court on the motion of Robert P. Chaloupka to withdraw as counsel for the plaintiff (Filing No. 25). Mr. Chaloupka filed an affidavit in support of the motion (Filing No. 26). In the affidavit, Mr. Chaloupka states he informed the plaintiff as of June 6, 20005, that he did not intend to act as the plaintiff's counsel in this case because the evidence does not support the claims made. He additionally states he has been unable to contact the plaintiff since that time. The Court will allow the plaintiff an opportunity to respond to the motion. Upon consideration,

IT IS ORDERED:

1. Robert P. Chaloupka's motion to withdraw as counsel for the plaintiff (Filing No. 25) is held in abeyance.
2. The plaintiff, Kimberly S. Aflague, shall have to **on or before September 9, 2005**, to respond to the motion to withdraw by filing a brief with the Clerk of Court. If no response is received or if substitute counsel has entered an appearance by that date, the motion to withdraw will be granted. If the motion to withdraw is granted and substitute counsel has not entered an appearance, the plaintiff will be considered proceeding *pro se* and counsel for the defendants may communicate with the plaintiff directly.
3. Robert P. Chaloupka shall serve the plaintiff with a copy of this order and the motion under consideration herein, and file proof of such service with the Clerk of Court.

DATED this 10th day of August, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge